

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KETJOL MANOKU,

Petitioner,

Case No. 09-11511

v.

Honorable Patrick J. Duggan

BLAINE LAFLER,

Respondent.

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ORDER

On April 22, 2009, Ketjol Manoku (“Petitioner”), a state prisoner currently incarcerated at the Marquette Branch Prison in Marquette, Michigan, filed a *pro se* habeas corpus petition challenging his convictions for first-degree murder, conspiracy to commit murder, assault with intent to commit murder, and felony-firearm. Petitioner is serving a life sentence of imprisonment. On February 9, 2010, Petitioner moved to hold his habeas petition in abeyance while he returned to state court to exhaust additional claims. The Court granted this motion in an Order dated April 19, 2010, conditioning the stay on Petitioner presenting his unexhausted claims to the trial court in a motion for relief from judgment within thirty (30) days. The Court stated that if Petitioner’s motion for relief from judgment was unsuccessful, he could move to lift the stay in this case and amend his petition to add the exhausted claims, provided that he did so within ninety (90) days of exhausting state remedies.

Petitioner filed his Motion for Relief from Judgment in Oakland County Circuit Court on May 27, 2010, which was within the timeframe ordered by this Court. Plaintiff then sought an extension from this Court to file a Motion to Supplement his Motion for Relief from Judgment with the Michigan Courts. The Court granted this motion and gave Petitioner an additional thirty days to file with the state court. Ultimately, Petitioner's claims were unsuccessful and the Michigan Supreme Court denied Petitioner's Application for Leave to Appeal on October 22, 2012.

In accordance with this Court's previous orders, Petitioner must "move to lift the stay in this case and amend his petition to add the exhausted claims" within "ninety (90) days of exhausting state remedies." On January 2, 2013, Petitioner moved this Court for an additional sixty (60) days to comply with this order. Petitioner explains that he is working toward filing the requisite motion. Petitioner, however, claims that as a native of Albania, he does not understand the law of the United States, and therefore used the legal writers program offered by the Michigan Department of Corrections. Moreover, the prisoner legal writer assigned to assist petitioner with this matter was transferred from the Marquette Branch Prison to another prison on November 26, 2012. Given the need to correct many errors in the document created by the transferred writer and the fact that the legal writing program hours are vastly reduced over the two-week holiday period, Petitioner asks for sixty (60) more days to file with this Court. The Court believes that these circumstances justify an extension of the time to file a motion to lift the stay and amend the petition for habeas corpus.

Accordingly,

Petitioner's request for an additional sixty (60) days to prepare and file his motion to lift the stay of proceedings and to file an amended petition for habeas corpus is **GRANTED**. The Court cautions that given the need to ensure timeliness, this will be the last extension the Court will grant to Petitioner. Petitioner must file the pertinent motion no later than **March 20, 2013**.

IT IS SO ORDERED.

Dated: January 23, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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